IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 23532 of 2005

Between:

1. Mannem Nageswara Rao, S/o. Veeraiah,
   R/o. Chandralapadu Village and Mandal,

Krishna District.

(Chandralapadu Large sized Cooperative Credit Society)
and 13 others.

....PETITIONERS

AND

1. Government of Andhra Pradesh,

Rep. by its Principal Secretary,

Agriculture and Cooperation,
   Secretariat, Hyderabad.
and 4 others.

...RESPONDENTS

* * *

ORDER:

Heard learned counsel for the petitioners as well as learned Government Pleader for

Cooperation appearing for the respondents.

2. Fourteen Primary Agricultural Co-operative Societies of Krishna District, filed this writ petition to declare the action of the respondents in proposing to issue notification for conduct of elections to the District Cooperative Central Bank, Krishna District on 07.11.2005 or any other date, without conducting elections to the said 14 Primary Agricultural Co-operative Societies pertaining to petitioners, as illegal and arbitrary.

3. Learned Government Pleader appearing for the respondents submitted that earlier the government issued different orders postponing the elections in respect of 24 Primary Agricultural Co-operative Societies in Krishna District and the government passed order in G.O.RT.No.1166 Agriculture & Cooperation (COOP.V(1)) Department dated 03.11.2005 cancelling earlier postponement orders directing to conduct elections and therefore the writ petition is pre-matured and not maintainable and accordingly requested to dismiss the writ petition *in limini*.

4. On the other hand learned counsel for the petitioners submits that in Krishna District itself the government postponed elections in respect of 24 societies out of which 14 are the writ petitioners and the election schedule for conduct of elections to the District Cooperative Central Bank, Krishna District is already fixed and the date of appointment of election officer is 08.11.2005, preparation of list of members eligible to vote and to furnish to the Election Officer by the Chief Executive is 12.11.2005, notification by Election Officer is 13.11.2005, receipt and scrutiny of nominations and publication of list of nominations received and valid nominations respectively is 14.11.2005, withdrawal of nominations and publication of list of final valid nominations duly allotting symbols is 15.11.2005 and date of poll for Managing Committee is 17.11.2005 and even before conducting the elections to the petitioners Primary Agricultural Cooperative Societies, issuing election process to the Krishna District Cooperative Central Bank is illegal and arbitrary and the valuable right of the petitioners for contesting as members of the managing committee cannot be deprived with.

5. I have considered the rival contentions. A perusal of G.O.RT.No.1166 Agriculture & Cooperation (COOP.V(1)) Department dated 03.11.2005 goes to show that in Krishna District itself the government earlier stayed elections to the managing committees of 24 Primary Agricultural Cooperative Societies, out of which 14 are before this court. I am of the opinion that as the government itself cancelled the

earlier orders wherein the elections have been postponed and directed to take immediate further action. Under Rule 22 C(1)(b) of A.P.C.S. Rules wherever earlier orders of postponement are cancelled, the process will have to be commenced from the stage at which it was obstructed or interrupted. By different orders, the government postponed the elections for the managing committee members, which were scheduled to be held on 22nd and 26th. The postponement was only on the allegation of sensitive situation prevailing then which may intimidate the voters and which might cause obstruction to the conduct of free and fair poll.

6. Having regard to the facts and circumstances of the case, in Krishna District itself elections were postponed for 24 societies. I am of the opinion that without conducting elections to the managing committees of the petitioners cooperative societies, who are entitled to contest for the managing committee members of the Krishna District Cooperative Central Bank, elections to the District Cooperative Central Bank cannot be conducted.

7. Therefore, the writ petition is disposed of directing the respondents to conduct elections forthwith to the managing committee of the petitioners 14 Primary Agricultural Cooperative Societies, before issuance of the election notification to the Krishna District Cooperative Central Bank. No costs.

_____

V.ESWARAIAH, J.

Date: 03rd November 2005.

BSB